

# Senate Commerce Committee

*Aaron Jones 271-2609*

**SB 639**, establishing a committee to study the health and safety impacts of Red Dye 40 and other food additives in food and beverages sold in New Hampshire.

**Hearing Date:** January 13, 2026

**Time Opened:** 11:06 a.m.

**Time Closed:** 11:13 a.m.

**Members of the Committee Present:** Senators Innis, Ricciardi, McGough, Fenton and Reardon

**Members of the Committee Absent :** Senator Murphy

**Bill Analysis:** This bill establishes a committee to study the health and safety impacts of Red Dye 40 and other food additives in food and beverages sold in New Hampshire.

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**Sponsors:**

Sen. Fenton

Sen. Long

Sen. Birdsell

Sen. Sullivan

Sen. Avar

Sen. Rochefort

Rep. Sabourin dit  
Choiniere

Rep. Polozov

Rep. Alexander Jr.

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**Who supports the bill:** Senator Donovan Fenton, Representative Yury Polozov, Danielle Albushies, Janet Lucas

**Who opposes the bill:** Sarah McCarthy, Katie McLaughlin

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**

***Senator Donovan Fenton***

- This bill would establish a committee to study the health and safety impacts of Red Dye 40 and other food additives in food and beverages sold in New Hampshire.
- Senator Fenton said this bill would take a thoughtful and deliberate approach towards studying the science behind the issue, examining policy decisions, and understanding the impacts of food dye and additives on families, schools, and businesses within the state.
- The federal government has expressed interest in banning dyes and additives. If that does occur, Senator Fenton said this bill could be used as a placeholder to

determine how to mitigate losses felt by small businesses, such as bakeries and wholesale retailers.

- The study committee would review scientific evidence, examine potential impacts on schools, consult with stakeholders, and consider how to implement it.
- Some states have already eliminated certain additives. In the European Union, while Red Dye 40 is not outright banned, products with it require a warning label. The United Kingdom, France, Germany, Norway, and Austria have removed or limited synthetic dyes as well.
- Senator Fenton said this bill would create a responsible way for legislators and experts to work together to evaluate credible evidence and how decisions would impact small businesses.
- **Senator Innis** said based on research, the European Union and some states have found dye to likely be carcinogenic. He asked if a committee was necessary, or if an outright ban should be proposed.
  - **Senator Fenton** urged caution because small businesses could lose products, such as Gatorade or Skittles, which have dyes in them. It should be done in a responsible manner, so it does not have an impact on individuals who use additives for cost effectiveness.

### ***Representative Yury Polozov***

- Representative Polozov said New Hampshire is facing a chronic disease epidemic, and the cost of Medicare and special needs has been crushing.
- The Legislature needed to create a system where stakeholders and departments could automatically produce the best science to help make food healthier. Current financial and other incentives, however, do not allow for it.
- Representative Polozov said every chemical that increases cancer in their constituents should be banned. Even if something is carcinogenic, however, it depends on exposure and concentration.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None